

Jordy Rabinowitz (JR-6558)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROCCO J. LAFARO, M.D.,
ARLEN G. FLEISHER, M.D.,
and CARDIAC SURGERY GROUP, P.C.,

Plaintiff,

-against-

NEW YORK CARDIOTHORACIC
GROUP, PLLC, STEVEN L. LANSMAN, M.D.,
DAVID SPIELVOGEL, M.D., WESTCHESTER
COUNTY HEALTH CARE CORPORATION
and WESTCHESTER MEDICAL CENTER,

Defendants.

DEFENDANTS'
NOTICE OF MOTION
FOR JUDGMENT ON
THE PLEADINGS

07 Civ. 7984 (SCR)

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PLEASE TAKE NOTICE that, upon the declaration of Jordy Rabinowitz, dated February 1, 2008, and all exhibits attached thereto, and defendants' Memorandum of Law, dated February 1, 2008, defendants New York Cardiorthacic Group, PLLC, Steven Lansman, M.D., David Spielvogel, M.D., Westchester County Health Care Corporation, and Westchester Medical Center will move this Court, before the Hon. Stephen C. Robinson, United State District Court

Judge, at the United State Courthouse, 300 Quarropas Street, White Plains, New York 10601, on April 1, 2008, at 10:00 a.m, or as soon thereafter as counsel may be heard, for an order granting defendants the following relief:

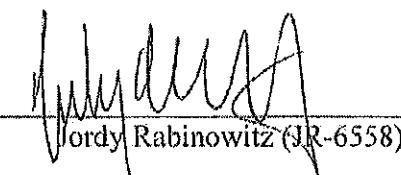
1. Dismissing Plaintiffs' Federal Antitrust claims on the grounds that the Defendants are immune from antitrust liability pursuant to the state action doctrine;
2. Dismissing Plaintiffs' Federal Antitrust claims on the grounds that Plaintiffs lack antitrust standing;
3. Dismissing all claims for damages against Defendants under Plaintiffs' first cause of action on the grounds that pursuant to the Local Government Antitrust Act, 15 U.S.C. 34-36, Defendants are immune from liability for alleged antitrust damages;
4. Dismissing the Plaintiffs' second and third claims for relief on the grounds that this court should not retain supplemental jurisdiction over Plaintiffs' state-based claims; and
5. Granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the scheduling order agreed to before this Court on December 7, 2007, and as modified by letter to the Court dated January 25, 2008, opposition papers to this motion, if any, are to be served on or before March 4, 2008.

Dated: Valhalla, New York
February 1, 2008

WESTCHESTER COUNTY HEALTH CARE CORP.
OFFICE OF LEGAL AFFAIRS

By:



Jordy Rabinowitz (JR-6558)

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